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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,081	02/06/2004	Roger W. Raetzman	BMCA9159.013	2080
27062	7590	02/07/2005	EXAMINER	
BOMBARDIER RECREATIONAL PRODUCTS INC. INTELLECTUAL PROPERTY DEPT PO BOX 230 NORTON, VT 05907-0230			ARGENBRIGHT, TONY MICHAEL	
			ART UNIT	PAPER NUMBER
			3747	

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/708,081

**Applicant(s)**

RAETZMAN, ROGER W.

**Examiner**

T. M. Argenbright

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,7,10-12,15,17,22-25,28,32 and 33 is/are rejected.
- 7) ☒ Claim(s) 3-5,8,9,13,14,16,18-21,26,27,29-31 and 34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/16/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

U. S. serial numbers 10/708,077 and 10/708,083 have been considered.

### ***Specification***

The disclosure is objected to because of the following informalities: in paragraph [0032], line 12, "78" should read "74".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6, 7, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Mate. Mate discloses a throttle linkage for an outboard engine having an input end 66 receiving an operator throttle command from input rod or cable 44, column 4, lines 32-34. Output end 84 is directly connected to a throttle assembly by link 40. Lever assembly 50 has a plurality of lever arms 54, 56. The throttle linkage is nonadjustable. Stops 86 and 88 are integrally formed on the engine block.

Claims 12, 15, 17, 22 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Mate. Mate discloses a throttle linkage having a first link 56 having an input arm connected to throttle cable 44, a second link 54 having a fixed range of rotation due to stops 86, 88, the second link engagable by the output arm of the first link

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through connector 60 and a third link 40, connected to the output of the second link 54 and to a throttle assembly. Links 56 and 54 are fastened to the engine at 70 and 82.

Claims 24, 25 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Mate. Mate discloses an engine having throttle stops 86, 88 extending from the block. Link 56 has an index, pin 52, integral therewith, having a surface engaging stop 88, the surface being perpendicular to the plane of rotation of link 56.

Claims 32 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Mate. Mate discloses an engine block formed with two throttle bosses 86, 88. Throttle link 56 is formed with a tab 52 which engages boss 88 to provide a fixed range of movement.

#### ***Allowable Subject Matter***

Claims 3-5, 8, 9, 13, 14, 16, 18-21, 26, 27, 29-31 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***


The throttle linkages made of record and not relied upon are considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to T. M. Argenbright whose telephone number is 571-272-4837. The examiner can normally be reached M-Th 6:30am-3:00pm and alt. Fridays 6:30am-2:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on 571-272-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
T. M. Argenbright  
Primary Examiner  
Art Unit 3747